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10/072,496

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Shunpei Yamazaki

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EXAMINER

GARY, ERIKA A

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

11/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/072,496

Applicant(s)

YAMAZAKI ET AL.

Examiner

Erika A. Gary

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-26 and 97-102 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-26 and 97-102 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-26, and 97-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al., US Patent Application Publication Number 2002/0077160 (hereinafter Edwards) in view of Yoon, US Patent Number 6,697,083 (hereinafter Yoon).

Regarding claim 1, Edwards discloses an electronic device comprising: a first housing; a second housing; a hinge, wherein the first and second housings are coupled together by the hinge, wherein a first center line of the first housing and a second center line of the second housing are in parallel with each other only in a state where the first housing and the second housing are folded via the hinge, and wherein the first center line and the second center line are inclined relative to each other in a state where the first housing and the second housing are opened via the hinge [figs. 6, 7, 10; paragraphs 0021, 0022].

What Edwards does not specifically teach is that discloses one of the first and second housings includes a transmitting unit while the other of the first and second

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housings includes a receiving unit. However, Yoon teaches this limitation as will be discussed below.

Yoon discloses one of the first and second housings includes a transmitting unit while the other of the first and second housings includes a receiving unit [fig 2: refs. 40, 60].

Edwards and Yoon are combinable because they are from the same field of endeavor, that is, electronic devices with two housings. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Edwards to include the features of Yoon. The motivation for this combination would have been to specifically point out the arrangement of typical device components, such as the transmitting unit, receiving unit, and the display. Further, it has been held that rearranging of parts of an invention involves only routine skill in the art (*In re Japikse*, 86 USPQ 70). In addition, Edwards suggests motivation of such a modification by disclosing that the cover 24 can contain some electronics [paragraph 0020].

Regarding claim 2, Edwards discloses a first surface of the first housing and a second surface of the second housing oppose each other [fig. 6].

Regarding claim 4, Yoon discloses one of the first and second housing includes a display unit while the other of the first and second housing includes an operation key [fig. 2: refs. 30, 50].

Regarding claim 5, Edwards discloses the first and second housing are connected in a direction selected from the group consisting of a vertical direction and a lateral direction [fig. 6].

Regarding claim 6, Yoon discloses a symbol displayed on the display unit is changed according to a direction of the electronic device [fig. 5a; col. 4: lines 27-42].

Regarding claim 7, the Examiner takes Official Notice that it is well known in the art for an operation key to include a translucent button with a display portion formed under the translucent button. At the time of the invention, it would have been obvious to one of ordinary skill in the art to include this feature for ease of use for the user in operating the electronic device.

Regarding claim 8, Yoon discloses the display unit includes one selected from the group consisting of a liquid crystal display device and a light-emitting device [col. 2: lines 53-54].

Regarding claim 9, Yoon discloses a symbol including at least one selected from the group consisting of a letter, a character, an alphabet, a numeral and a pictograph is displayed on the display unit [fig. 5a].

Regarding claim 10, Yoon discloses a picture is displayed on the display unit [fig. 5a].

Regarding claim 11, Yoon discloses a photoelectric conversion element is formed in the one selected from the group consisting of a liquid crystal display device and the light emitting device [col. 2: lines 53-54].

Regarding claims 12-14, Edwards suggests the electronic device is an information terminal, cellular phone, or a PDA [paragraph 0021].

Regarding claim 15, Edwards discloses an electronic device comprising: first housing; a second housing; a hinge, wherein the first and second housings are coupled

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together by the hinge, wherein each of the first and second housings has a pair of lines opposing each other, wherein one of the pair of lines of the first housing has a shorter length than the other one of the pair of lines of the first housing, and wherein one of the pair of lines of the second housing has a shorter length than the other one of the pair of lines of the second housing [figs. 6, 7, 10; paragraphs 0021, 0022].

What Edwards does not specifically teach is that discloses one of the first and second housings includes a transmitting unit while the other of the first and second housings includes a receiving unit. However, Yoon teaches this limitation as will be discussed below.

Yoon discloses one of the first and second housings includes a transmitting unit while the other of the first and second housings includes a receiving unit [fig 2: refs. 40, 60].

Edwards and Yoon are combinable because they are from the same field of endeavor, that is, electronic devices with two housings. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Edwards to include the features of Yoon. The motivation for this combination would have been to specifically point out the arrangement of typical device components, such as the transmitting unit, receiving unit, and the display. Further, it has been held that rearranging of parts of an invention involves only routine skill in the art (*In re Japikse*, 86 USPQ 70). In addition, Edwards suggests motivation of such a modification by disclosing that the cover 24 can contain some electronics [paragraph 0020].

Regarding claim 16, Edwards discloses at least one of the first and second housing includes a display unit [paragraph 0021]. It is inherent in the art to include a display unit selected from the group consisting of a liquid crystal display device and a light-emitting device.

Regarding claim 17, it is inherent to include a photoelectric conversion element formed in the one selected from the group consisting of a liquid crystal display device and the light emitting device.

Regarding claims 18-20, Edwards suggests the electronic device is an information terminal, cellular phone, or a PDA [paragraph 0021].

Regarding claim 21, Edwards discloses an electronic device comprising: a first housing; a second housing; a hinge, wherein the first and second housings are coupled together by the hinge, wherein each of the first and second housings has a trapezoid shape [figs. 6, 7, 10; paragraphs 0021, 0022].

What Edwards does not specifically teach is that discloses one of the first and second housings includes a transmitting unit while the other of the first and second housings includes a receiving unit. However, Yoon teaches this limitation as will be discussed below.

Yoon discloses one of the first and second housings includes a transmitting unit while the other of the first and second housings includes a receiving unit [fig 2: refs. 40, 60].

Edwards and Yoon are combinable because they are from the same field of endeavor, that is, electronic devices with two housings. At the time of the invention, it

would have been obvious to one of ordinary skill in the art to modify Edwards to include the features of Yoon. The motivation for this combination would have been to specifically point out the arrangement of typical device components, such as the transmitting unit, receiving unit, and the display. Further, it has been held that rearranging of parts of an invention involves only routine skill in the art (*In re Japikse*, 86 USPQ 70). In addition, Edwards suggests motivation of such a modification by disclosing that the cover 24 can contain some electronics [paragraph 0020].

Regarding claim 22, Edwards discloses wherein at least one of the first and second housing includes a display unit [paragraph 0021]. It is inherent in the art to include a display unit selected from the group consisting of a liquid crystal display device and a light-emitting device.

Regarding claim 23, it is inherent to include a photoelectric conversion element formed in the one selected from the group consisting of a liquid crystal display device and the light emitting device.

Regarding claims 24-26, Edwards suggests the electronic device is an information terminal, cellular phone, or a PDA [paragraph 0021].

Regarding claims 97-99, the Examiner takes Official Notice that it is well known in the art for one of the first and second housings to include operation keys that each include a unit display formed under a translucent button. It would have been obvious to one of ordinary skill in the art at the time of the invention to include this feature to allow the user to see the buttons easily when in dark surroundings.



Regarding claims 100-102, Yoon discloses the first housing includes a display unit, and the second housing includes an operation key [fig. 2]. Further, it is well known in the art that displays include a light emitting device in order to aid the user in viewing information on the display.

### ***Response to Arguments***

3. Applicant's arguments filed 10/22/07 have been fully considered but they are not persuasive. Applicant argues the combination of Edwards and Yoon. However, the Examiner respectfully maintains the above rejection and holds that the combination is reasonable. The Examiner maintains that it is well known in the art to provide a portable electronic communication device with a flip phone configuration wherein a first housing includes a transmitting unit and a second housing includes a receiving unit. The Yoon reference was used to provide evidence of this feature being well known. Applicant argues that the purpose of Edwards is to maximize the distance that the antenna extends beyond the user's head. The cover portion (24) of Edwards can be modified by incorporating a display unit and also a receiver unit *positioned at the user's ear*, while still maintaining maximum distance of the antenna beyond the user's head. Edwards even discloses that the cover can contain some electronics [paragraph 0020]. Subsequently, the rearrangement of components in Edwards can be accomplished without frustrating the purpose of the design employed by Edwards. Therefore, the rejection is maintained.


**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG  
November 5, 2007

  
ERIKA A. GARY  
PRIMARY EXAMINER